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23373 7590 11/03/2011  
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EXAMINER

USELDING, JOHN E

ART UNIT

PAPER NUMBER

1763

NOTIFICATION DATE

DELIVERY MODE

11/03/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

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USPTO@sughrue.com  
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### **Attachment to Advisory**

#### ***Oath/Declaration***

The declaration under 37 CFR 1.132 filed 10/24/2011 is not being considered because the declaration fails to overcome all rejections under appeal and the Applicant fails to provide a showing of a good and sufficient reason why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

#### ***Response to Arguments***

Applicant's arguments filed 10/24/2011 have been fully considered but they are not persuasive.

The Applicant has made the argument that their experiments show that Sakakibara does not have the claimed CTAB surface area. Applicant has used a different reactor for making the carbon black than was used in Sakakibara. Sakakibara consider their reactor to be critical in producing their carbon black. In their comparative examples the reactor was altered to show the beneficial results provided using their reactor (see figures 3 and 4).

The Applicant has stated that Sakakibara does not disclose or suggest the effects of hydrogen desorption ratio and the toluene tinting permeability of carbon black on the wear resistance and low heat buildup. These tests are used to determine the physical properties of the carbon black. Sakakibara teaches several types of tests that are used to determine the physical properties of the carbon black (column 3, line 49 to

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column 5, lines 32). Sakakibara teaches optimizing the properties that underlie the tests, which is the size, shape, and surface properties of the carbon black (column 3, line 50 to column 4, line 62) to obtain good wear resistance (abrasion resistance) and heat build up (represented by  $\tan \delta$ ) of tire tread (column 10, lines 7-25). Since Sakakibara provides teaching and motivation that the physical properties of the carbon black have an effect on good wear resistance and heat build up. They would be motivated to optimize the properties for good wear resistance and heat build up. Just because Sakakibara did not perform the same test on their carbon black does not mean they did not recognize that that particular physical property that the test measures is important for obtaining good wear resistance and heat build up.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN USELDING whose telephone number is (571)270-5463. The examiner can normally be reached on Monday-Thursday 6:00am-4:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Milton Cano can be reached on 571-272-1398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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